

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SCOTT GILMOR,)
)
Plaintiff,) Case No.
)
vs.)
) Circuit Court of St. Louis
COMPLETE PAYMENT RECOVERY) County, Missouri
SERVICES, INC.,) Cause No. 15SL-CC03581
)
Defendant.) JURY TRIAL DEMANDED
)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant Complete Payment Recovery Services, Inc. (“CPRS”), by and through its undersigned counsel, hereby removes this action from the Circuit Court of the Twenty-First Judicial Circuit, St. Louis County, Missouri to the United States District Court for the Eastern District of Missouri, Eastern Division. As grounds for removal, CPRS states as follows:

1. On October 19, 2015, Plaintiff Scott Gilmor commenced this action by filing his petition (the “Petition”) against CPRS in the Circuit Court for St. Louis County, Missouri captioned Scott Gilmor v. Complete Payment Recovery Services, Inc., Cause No. 15SL-CC03581 (the “State Court Action”).

2. In the Petition, Plaintiff asserts a single cause of action against CPRS arising under the Fair Debt Collections Practices Act, 15 U.S.C. §§ 1692 *et seq.* (“FDCPA”). See Petition, at ¶¶ 1, 3 and 23(a) – (d).

3. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over Plaintiff's claim because the Petition filed in the State Court Action presents a federal question arising under the FDCPA.

4. A true and accurate copy of the entire file from the State Court Action is attached hereto as Exhibit A.

5. On October 28, 2015, CPRS was served with the Summons and a copy of the Petition. A true and accurate copy of all pleadings and process served on CPRS is attached hereto as Exhibit B. These are the only pleadings or process served on CPRS.

6. This removal is timely under 28 U.S.C. §1446(b) in that it has been filed within thirty (30) days of October 28, 2015. See Murphy Bros. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 350 (1999) (holding that the thirty (30) day removal period does not begin to run until a defendant is formally served with summons and the petition); see also Marano Enters. of Kansas v. Z-Teca Rests., L.P., 254 F.3d 753, 756-57 (8th Cir. 2001) (same).

7. CPRS has not entered its appearance, filed a responsive pleading or otherwise responded to the Petition in the State Court Action.

8. Pursuant to the requirements of 28 U.S.C. §1446(d), CPRS will promptly notify Plaintiff in writing of the filing of this Notice of Removal. See Exhibit C.

9. Pursuant to the requirements of 28 U.S.C. §1446(d), CPRS will promptly advise the Clerk of the Circuit Court for St. Louis County, Missouri of the removal of the State Court Action by filing a Notice of Filing of Notice of Removal (which will include a copy of this Notice of Removal) with the Clerk. See Exhibit C.

10. Pursuant to the requirements of 28 U.S.C. §1446(a), this Notice of Removal is filed in the District Court of the United States for the District and Division in which the State Court Action is pending.

11. No admission of fact, law or liability is intended by this Notice and all defenses, affirmative defenses and motions are hereby preserved.

WHEREFORE Defendant, Complete Payment Recovery Services, Inc., having removed the case now pending in the Circuit Court of St. Louis County, Missouri captioned Scott Gilmor v. Complete Payment Recovery Services, Inc., Cause No. 15SL-CC03581, respectfully requests that this case proceed with adjudication in this Honorable Court just as though Plaintiff had filed it originally with this Honorable Court.

Respectfully submitted,

HUSCH BLACKWELL LLP

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Attorneys for Defendant Complete Payment Recovery Services, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 23rd day of November, 2015, by first class mail, postage prepaid, to:

Richard A. Voytas
Alexander J. Cornwell
Voytas & Company
1 North Taylor Avenue
St. Louis, MO 63108

Attorneys for Plaintiff

/s/ Christopher J. Valeriote